

House Republican Press Release

July 14, 2005
Press Office: 860-240-8700

Rell Signs Rep. Fahrbach Legislation Protecting Privacy Of Cell Phone Customers



Hartford-On Monday, July 11, Governor M. Jodi Rell signed legislation into law introduced by State Representative Ruth Fahrbach, R-Windsor, that will prohibit cellular mobile telephone providers from listing customer telephone numbers in a directory unless the customer expressly permits such use. Public Act 05-241 takes effect October 1, 2005.

According to the non-partisan Office of Legislative Research (OLR), the legislation specifically bars cell phone companies from disclosing a customer's cell phone number, name, or address to another person unless the customer authorizes or another law requires the disclosure. The provisions were first introduced by Rep. Fahrbach in legislation at the start of the 2005 Legislative Session. The new law specifies how the authorization can be given and allows a customer to revoke it at any time. A cell phone company may not charge a fee or refuse to serve a customer who declines to give this authorization. It also bars anyone from distributing a directory containing information about who has not provided the authorization and makes violations of these provisions an unfair trade.

In addition to Rep. Fahrbach's proposal, PA 05-241 imposes several responsibilities on the Department of Public Utility Control (DPUC) and cell phone companies regarding cell phone complaints and inquiries. It requires cell phone companies to comply with DPUC orders and regulations. A company that fails to comply is subject to DPUC civil penalties of up to \$10,000 per offense, with each violation and each day of a continuing violation considered a separate offense. The law allows DPUC to adopt regulations to implement these provisions and subjects cell phone companies to an assessment to cover DPUC's costs of implementing these provisions. The assessment procedure is similar to the one that applies to DPUC's existing assessment of companies under its jurisdiction.

"A cell phone directory could create a number of problems," said Rep. Fahrbach. "While I don't believe that cell phone directories should be prohibited as others had suggested, I wanted to protect consumers who desire to keep their cell phone numbers private. Many individuals, including children, have cell phones mainly for emergency use and do not want to receive unsolicited calls. The same telemarketing calls that people dread receiving at home could be expected to surface on your cell phone. Also, since cell phone users pay for incoming calls, a wireless directory could serve as a boon to phone companies. This legislation ensures that your cell phone number will only be listed in a directory if you give your provider permission to do so. However, many businesses and individuals now rely solely on cell phones and may welcome having their numbers available in a directory. The new regulations give consumers the choice to keep their cell phone numbers private and is good public policy."